

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONYELL GERALD JOHNSON,

Plaintiff,

v.

Case No. 1:07-cv-77
HON. ROBERT HOLMES BELL

T. STEWART, et al.,

Defendants.

OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties. The Court has received objections from the plaintiff. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

Plaintiff filed a motion for a preliminary injunction to enjoin the MDOC from rejecting the publication Five Percenter Newspaper. Plaintiff has objected to the magistrate judge's recommendation to deny the motion. The Court finds plaintiff's objections to be without merit.

Plaintiff has filed an additional motion requesting a temporary restraining order (Docket #27). Plaintiff asserts that on April 25, 2007, Corrections Officer Mascipmo removed plaintiff's complete file of the instant case from plaintiff's cell. Plaintiff alleges that his case notes and legal documents were removed by ARUS Shields. Plaintiff was written a major misconduct, but

the charges were dismissed. Plaintiff asserts that he is without the necessary documentation to litigate this case. Plaintiff requests that defendants be required to immediately return his legal documents. However, contrary to plaintiff's assertions, neither officer Masclpmo or ARUS Shields are defendants in this action. Plaintiff has failed to show that the defendants in this action were involved in the asserted deprivation. Moreover, plaintiff has failed to show entitlement to relief.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge is approved and adopted as the opinion of the court.

IT IS FURTHER ORDERED that plaintiff's motion for preliminary injunction (Docket #9) and motion requesting a temporary restraining order (Docket #27) are DENIED.

Date: August 20, 2007

/s/ Robert Holmes Bell

ROBERT HOLMES BELL

CHIEF UNITED STATES DISTRICT JUDGE